

REMARKS

Claims 24-46 are presently pending in this Application and the Examiner rejects claims 24-46, under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

For example, it will be noted that claim 25 is amended above by incorporating all recitations and limitations of claim 24 into claim 25, thereby transforming claim 25 into an independent claim, and, in addition to incorporating the recitations of claim 24 into claim 25, the elements and recitations of claims 24 are reorganized to improve the readability of claim 25.

It will be noted that a mistranslation in claim 24, concerning the recitation of a "gear stage exchanger" 24 now incorporated into claim 25, is clarify to refer a gear change operation rather than to a "gear stage exchanger" component of the transmission, which is supported by the originally filed specification.

The recitation in claim 25, referring to the activation of shape-fit shifting elements without access through rotating parts, is amended to clarify the meaning of this recitation and so that this recitation is in conformance with the language of the specification as originally filed, for example, in paragraphs [016], [020]-[022], [045]-[058] and [061]. In summary, the specification describes the activation of shape-fit shifting elements as being accomplished by access through transmission components that are not engaged for torque transmission at the time of initiation of the activation and claim 24 is accordingly clarified.

The recitation of "half-clutches" in claim 25 is also amended in accordance with the descriptions of "half-clutches" in the specification, wherein the specification defines "half-clutches" as being components of the frictional shifting elements and gear sets, such as frictional shifting elements K1, K2, A', E and planetary gear sets P1 to P3. Claim 25 is therefore amended to clarify that the recited "half-clutches" are integral components or elements of the frictional shifting elements and planetary gear sets.

The Applicant has also addressed and overcome the stated grounds for rejection of claims 32, 33, 34 and 35 under 35 U.S.C. 112. In view of the forgoing, the Applicant therefore respectfully requests that the Examiner reconsider and withdraw all rejections of the claims, under 35 U.S.C. 112, noting that all of the 35 U.S.C. 112 amendments are fully supported by the specification and claims, as originally filed, and that these amendments do not add any new matter to the invention, the specification or the claims, these amendments only address 35 U.S.C. 112 issues, and these amendments are not submitted in consideration of issues of the prior art nor to they address issues of the prior art.

Next, claims 24, 27 and 28 are rejected, under 35 U.S.C. § 102(b), over Sefcik '596 (U.S. Patent No. 6,669,596). The Applicant acknowledges and respectfully traverses the raised anticipatory rejections in view of the following remarks.

In accordance with the Examiner's finding that claims 25, 26 and 29-46 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, the claim 24 is canceled, without prejudice to or abandonment of the subject matter thereof, and, in addition to the above discussed amendments to overcome the rejections under 35 U.S.C. 112, claims 25 and 29 are amended by incorporating the recitations and limitations of claim 24 into both of those claims. It is respectfully submitted that claims 25 and 29 are thereby allowable independent claims in accordance with the Examiner's indication. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all rejections of claims 25 and 29, and allow claims 25 and 29 as amended herein above.

Claim 26 is amended to depend from allowable independent claim 25 while claims 30-46 are amended to depend from allowable independent claim 29, so that claims 26 and 30-46 are each now allowable as depending from allowable claims 25 and 29. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all rejections of claims 26 and 30-46, and allow claims 26 and 30-46 as amended herein above.

Lastly, claims 27 and 28 are amended to depend from allowable claim independent claim 29, so that claims 27 and 28 and now allowable for at least the same reasons as claim 29. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all rejections of claims 27 and 28, and allow claims 27 and 28 as amended herein above.

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If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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